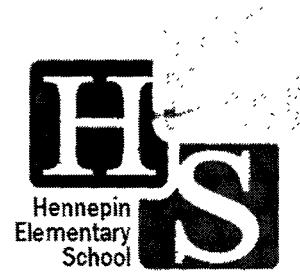


Executive Director
Julie M. Henderson, Ed. D.

Boara of Directors
Bill Griffith, Board Chair
Leon Cooper
Annemarie Hansen
Mathew Mayer
Jan Pepelnjak

Hennepin Elementary School

2123 Clinton Avenue South
Minneapolis, Minnesota 55404
(p) 612.237.3430
FAX 612-871-2406
info@hennepinelementary.org
www.hennepinelementaryschool.org



Received & Inspected

DEC 13 2012

FCC Mail Room

December 11, 2012

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Dear Ms. Dortch:

CC DOCKET NO. 02-6

REQUEST FOR REVIEW/REQUEST FOR WAIVER

I am writing regarding Hennepin Elementary School's application for the Funding Year 2012 E-rate funding. I wish to appeal an application decision that appears to be in error. My appeal relates to the following:

Billed Entity Applicant Name: Hennepin Elementary School
Funding Request Number: 2348872, 2348877, 2348881
Form 471 Application Number: 862628
Contact Name: Julie Henderson
Contact Phone Number: 612-237-3430
Contact E-mail: JHenderson@hennepinelementary.org

The reason for the appeal is based on the October 25, 2012 letter from USAC/Schools and Libraries entitled "Administrator's Decision of Appeal – Funding Year 2012-2013". The letter explains that the "appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was dated". This denial was based on the free and reduced lunch numbers.

- As of September, 2012, the free and reduced lunch numbers reflect a 90% E-Rate discount instead of the 20% listed on the Form 471. This information was also reported to the MN Department of Education and a signed copy is attached.

This appeal is based on the information that was given at the USAC/Schools and Libraries 2011 E-Rate Training held on October 10, 2011 in Minneapolis, MN. Attached is the USAC PowerPoint delivered at the conference, "Calculating Discounts, Fall 2011 Applicant Trainings". On page 14 directions

Authorized by Friends of Education
200 East Lake Street
Wayzata, MN 55391

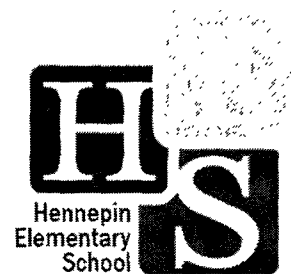
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for "Calculating Your Discount" - Private/Charter Schools is given. Listed on the attached documentation, ***"Population is unknown: apply for 20% but can amend with actual figures if obtained later"***. Attached is signed documentation stating as of September, 2012 the actual free and reduced lunch numbers reflect a 97% discount which equates to a 90% E-Rate discount according to the Discount Matrix supplied by Schools and Libraries.


- The Hennepin Elementary School is not requesting any additional funds that were not included in the FCC Form 471 submitted on March 15, 2012. Because of not having students at the school at the time of filing the Form 471 and being required to list the free/reduced lunch discount as 20%, it appears that additional funds are requested. This is not true. The total amount requested has not changed. The discount percentage was changed to 90% as of September, 2012, but was done in accordance with the information delivered at the USAC/Schools and Libraries 2011 E-Rate Training.

We believe that everything was done in accordance with FCC rules and that the denial for increasing the school's discount percentage has been determined in error. We request that the "Denied" decision is reviewed and a new determination is made. In support of this appeal, attached are the following:

- **Administrators Decision on Appeal – Funding Year 2012-2013**
- **MARSS Compensatory Revenue Student Count Report signed by Julie Henderson, Executive Director, confirming the free and reduced lunch numbers**
- **USAC Powerpoint titled "The E-Rate Program, Calculating Discounts, Fall, 2011 Applicant Trainings"**

The Hennepin Elementary School is a new Charter School. Participating and receiving E-Rate dollars is very important to the school as well as the ability to install the technology to promote academic excellence to its students.

Please amend the Funding Commitment Letters to reflect the 90% discount. Thank you for your attention to this matter.

Sincerely, 
Julie Henderson, Ed. D.
Executive Director

Authorized by Friends of Education
200 East Lake Street
Wayzata, MN 55391



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2012-2013

October 25, 2012

Julie Henderson
Hennepin Elementary School
5011 31st Avenue
Minneapolis, MN 55417

Re: Applicant Name:	HENNEPIN ELEMENTARY SCHOOL
Billed Entity Number:	16068030
Form 471 Application Number:	862628
Funding Request Number(s):	2348872, 2348877, 2348881
Decision Letter Date:	July 31, 2012
Date Appeal Postmarked:	October 11, 2012
Your Correspondence Dated:	October 10, 2012

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

Create New
Claims

View or
Modify Claims

Interface
Claim File

Claim
Summary

Claims > SNP Claim Maintenance

Applications
Claims
Change Password
Payment
Verification Reporting

SNP Claim Information

Site 9000012850 - Hennepin Elemenatry School
Calendar Year 2012 Month September
Claim Type Original Claim Status Approved

Meal Count Information

Total Reim- bursable Student Meals Served (F/R/FP)	Ave Daily Attend- ance	Number of Days Served	Free Meals Served	Reduced Price Meals Served	Total Adult / Guest / Student 2nd Meals	Partici- pants Approved for Free Meals	Partici- pants Approved for Reduced Price Meals	Number of Paid Meals Partici- pants
--	---------------------------------	-----------------------------	-------------------------	-------------------------------------	--	--	---	---

Breakfast Count Information

2092	148	19	1856	177	0	131	12	5
------	-----	----	------	-----	---	-----	----	---

Lunch Count Information

2347	148	19	2111	183	0	131	12	5
------	-----	----	------	-----	---	-----	----	---

Afterschool Snack Count Information

2776	148	19	2776	0	0	131	131	5
------	-----	----	------	---	---	-----	-----	---

Sponsoring Authority Certification

I hereby take full responsibility for ensuring that this claim accurately represents the number of meals/milks served by reimbursement category, that records are available to support this claim, that this claim is in accordance with the Program Agreement, and that payment therefore has not been received. I understand that this information is being given in connection with the receipt of federal funds, that officials of the U.S. Department of Agriculture and the Minnesota Department of Education may verify this information, and that deliberate misrepresentation may subject me to prosecution under applicable state and federal criminal statutes.

View Details

Adjust

Julie Henderson
10/23/12



The E-Rate Program

Calculating Discounts

Fall 2011 Applicant Trainings

Washington, DC | Newark | Minneapolis | Portland | St. Louis | New Orleans | Los Angeles | Orlando



Calculating Discounts

Calculating Your Discount

Calculating Your Discount

Discounts are based on:

- Percentage of students eligible for the National School Lunch Program (NSLP) or an equivalent measure of poverty
- Urban/Rural status of the county or census tract in which the school or library building is located
- Applicants must maintain third party verification of student counts

Discount Matrix

% of Eligible Students	Urban	Rural
Less than 1%	20%	25%
1% - 19%	40%	50%
20% - 34%	50%	60%
35% - 49%	60%	70%
50% - 74%	80%	80%
75% - 100%	90%	90%

Calculating Your Discount

Individual Schools

- Determine number of students eligible for NSLP
- Determine urban/rural status of the school location
- Look up discount in Discount Matrix

Calculating Your Discount

Private Schools

- Methodology same as public schools
- School does not have to participate in the NSLP in order to determine discount
- Private schools may use financial aid data to determine if a student meets the Income Eligibility Guidelines for the National School Lunch Program.
 - Receipt of scholarship does not automatically make a student eligible for the NSLP.

Calculating Your Discount

School Districts

- Calculate the discount rate for each individual school
- School District average = *weighted* average of the schools
 - Multiply E-Rate discount by total student population of the school to get weighted product
 - Add all weighted products and divide by total students in school district
- Discounts are based on schools actually receiving services in the FRN (may not be all schools in the district)

Calculating Your Discount

Individual Libraries

- Calculate the total percentage of students eligible for NSLP in the school district in which the building is located
- Use the urban/rural status of the county or census tract in which the library outlet is located

Calculating Your Discount

Library Systems

- Calculate the E-Rate discount for each library outlet
- Calculate the simple average of the library outlets
 - Add discounts for each outlet and divide by total number of outlets

Calculating Your Discount

Consortia

- Consortia discounts are based on the discounts of all of the members of the consortia
- Calculate the discount rate for each consortium member
 - This could be individual entities or districts
- Then calculate the simple average of the discounts of the consortium members

Non-Instructional Facilities

- Non-instructional facilities (NIFs) are buildings operated by a school, library, or district that are not schools or do not contain public library spaces
- NIFs may or may not contain classrooms
- NIFs are always eligible for Priority 1 services
- NIFs are only eligible for Priority 2 services if the services are essential for the effective transport of data to the classroom or public areas of the library

Calculating Your Discount

Non-Instructional Facilities

- NIFs on the campus of single school/library and that serve only that entity, get the discount of that school/library
 - Separate entity number necessary only if public right-of-way is crossed
- NIFs that serve multiple schools/libraries, and without classrooms or public areas, get shared discount for the school district/library system
 - Use Block 4 checkbox for shared discount worksheet
 - Use additional worksheet if needed to indicate entities receiving service

Non-Instructional Facilities

- NIFs that serve multiple schools and have classrooms use the snapshot method to get discount
 - Snapshot method: Choose a specific day and determine the NSLP eligibility of the student population that is in class on that day
 - Retain documentation of your calculation

Calculating Your Discount

New School Construction

- School under construction
 - Population is known = use that data
 - Population is unknown = use district shared discount
- Library under construction
 - Same as regular individual library outlet
- Private/Charter Schools
 - Population is known: use that data
 - Population is unknown: apply for 20% but can amend with actual figures if obtained later



Calculating Discounts

National School Lunch Program

National School Lunch Program

NSLP Participation

- E-Rate discounts are based on NSLP eligibility
- Applicants may use NSLP participation number to support their discounts

National School Lunch Program

Provisions 1, 2, and 3

- Allow for socio-economic survey to be used to establish reimbursement rate and reduce paperwork for schools
- Applicant uses approved NSLP eligibility percentage to calculate discount rate
- Schools submit base-year documentation to support discount rate
- If extension is granted, applicants can submit extension approval letter to support discount rate

National School Lunch Program

Direct Certification

- Schools are given lists of students whose families participate in other social service programs
- Students are automatically enrolled in NSLP
- School does not retain more detailed information regarding the student's eligibility
- All Direct Certification students are considered eligible for the NSLP for E-Rate discount purposes.

National School Lunch Program

Community Eligibility Option (CEO) aka Provision 4

- New option under NSLP
- Requires at least 40% of students to be eligible for free meals through Direct Certification
- Schools serve free breakfast and lunch to all students
- Reimbursement rate = % of students directly certified times 1.6 (a national multiplier)
- Program is being phased in nationally over four years
- Three states are eligible in 2011; four more will in 2012
- FCC is considering how this will work with E-Rate
- Further guidance will be forthcoming

National School Lunch Program

Head Start

- All Head Start students meet free lunch guidelines under NSLP
- Head Start entities automatically qualify for 90% discount
 - Head Start is eligible only in certain states
 - Home based Head Start is not eligible



Calculating Discounts

Alternative Discount Methods

Alternative Discount Mechanisms

Alternative Discount Mechanisms

- NSLP eligibility based on student's family being at or below 185% of federal poverty levels
- Income Eligibility Guidelines (IEG) published annually by U.S. Department of Agriculture
- Other alternative discount methodologies seek to determine if a student meets the NSLP IEG threshold

Alternative Discount Mechanisms

Acceptable Mechanisms

- Programs that meet the IEG threshold for the NSLP:
 - Medicaid
 - Food stamps (SNAP)
 - Supplementary Security Income (SSI)
 - Section 8 Housing Assistance
 - Low Income Home Energy Assistance Program (LIHEAP)
 - Food Distribution Program on Indian Reservations

Alternative Discount Mechanisms

Unacceptable Mechanisms

- Programs that do not meet the IEG threshold for the NSLP:
 - Temporary Aid to Needy Families (TANF)
 - Title 1
 - Scholarship programs

Alternative Discount Mechanisms

Sibling Match

- If school can establish that one sibling in a family is eligible for NSLP, then it can count the other siblings in the same family as eligible for NSLP even if the other siblings do not participate .

Alternative Discount Methods

Surveys

- Must be sent to all families whose children attend the school
- Surveys must contain at least student and family name, size of family, income level of family or acceptable alternative mechanism
- Surveys are valid for two years
- NSLP application forms are never an acceptable survey instrument

Alternative Discount Methods

Survey Extrapolation

- If a survey is sent to all households of its students, and
- If at least 50% of surveys are returned
- School may extrapolate the data to 100% of its students
- Example:
 - 100 families received the survey; 75 returned them
 - 25 students in the 75 responses are eligible for NSLP
 - $25/75 = 0.33$
 - School can report 33% of all students are eligible

Alternative Discount Methods

Combining Alternative Discount Methods

- Ensure that the same students are not double counted.
- Surveys cannot be combined with other alternative discount methods if you have extrapolated
- Provisions 1-4 cannot be combined with other alternative discount methods since they include extrapolation
- Keep detailed records to show that the same students were not double counted

Alternative Discount Methods

Combining Alternative Discount Methods

- **Acceptable Combinations**
 - NSLP Participation + Sibling Match when scrubbed for duplicates
 - NSLP Participation + Survey not extrapolated and when scrubbed for duplicates
 - Survey + Direct Cert when scrubbed for duplicates
 - Survey + Financial Aid data when scrubbed for duplicates

Alternative Discount Methods

Combining Alternative Discount Methods

- **Unacceptable Combinations**
 - Extrapolated survey + sibling match
 - Provision 2/3 + sibling match
 - Provision 2/3 + survey for alternative discount mechanisms
 - NSLP Participation + extrapolated survey
 - NSLP Participation + Direct Certification

Alternative Discount Methods

Ineligible Discount Calculation Methods

- Feeder School Method
 - Extrapolating from elementary to secondary schools
- Principal's Survey/Estimate
 - Based on administrators' knowledge of some of their students
- Title I eligibility
- Neighborhood poverty measurements

Questions?

Thank you!